

**NOT TO BE PUBLISHED IN OFFICIAL REPORTS**

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA**

**FOURTH APPELLATE DISTRICT**

**DIVISION TWO**

THE PEOPLE,

Plaintiff and Respondent,

v.

LARRY WILSON,

Defendant and Appellant.

E064982

(Super.Ct.No. INF059297)

OPINION

APPEAL from the Superior Court of Riverside County. Charles  
Everett Stafford, Jr., Judge. Affirmed.

Patrick J. Hennessey, under appointment by the Court of Appeal, for  
Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Defendant and appellant Larry Wilson was charged by information  
with the unlawful use of an access card (Pen. Code, § 484g, subd. (a), count  
1), second degree burglary (Pen. Code, § 459, count 2), possession of a

firearm by a felon (former Pen. Code, § 12021, subd. (a)(1), count 3), and possession of marijuana for sale (Health & Saf. Code, § 11359, count 4). Pursuant to a plea agreement, defendant pled guilty to count 1. The parties stipulated that the preliminary hearing transcript provided a factual basis for the plea. The court placed defendant on probation for a period of three years, under specified conditions, and it dismissed the remaining counts. Defendant subsequently filed a petition for resentencing pursuant to Penal Code section 1170.18, which the court denied. Defendant appeals from the denial of his petition for resentencing. We affirm.

### PROCEDURAL BACKGROUND

On October 6, 2008, defendant entered a plea agreement and pled guilty to one count of the unlawful use of an access card. (§ 484g, subd. (a).) The court placed him on probation for a period of three years, in accordance with the plea agreement.

In November 2014, California voters approved Proposition 47 (effective November 5, 2014). (§1170.18.) “Proposition 47 makes certain drug- and theft-related offenses misdemeanors, unless the offenses were committed by certain ineligible defendants. These offenses had previously been designated as either felonies or wobblers (crimes that can be punished as either felonies or misdemeanors).” (*People v. Rivera* (2015) 233 Cal.App.4th 1085, 1091.) “Proposition 47 also created a new resentencing

provision: section 1170.18. Under section 1170.18, a person ‘currently serving’ a felony sentence for an offense that is now a misdemeanor under Proposition 47, may petition for a recall of that sentence and request resentencing in accordance with the statutes that were added or amended by Proposition 47.” (*Id.* at p. 1092.)

On September 9, 2015, defendant filed a petition for resentencing, pursuant to Proposition 47. (§ 1170.18.) On December 4, 2015, the court held a hearing on the petition. It reviewed the police reports and noted that the value of the property taken by defendant’s use of the access card exceeded \$950. The court denied the petition.

On December 11, 2015, defendant filed a notice of appeal.

### DISCUSSION

Defendant appealed and, upon his request, this court appointed counsel to represent him. Counsel has filed a brief under the authority of *People v. Wende* (1979) 25 Cal.3d 436 and *Anders v. California* (1967) 386 U.S. 738, setting forth a statement of the case and no potential arguable issues. Counsel has also requested this court to undertake a review of the entire record.

We offered defendant an opportunity to file a personal supplemental brief, which he has not done.

Pursuant to the mandate of *People v. Kelly* (2006) 40 Cal.4th 106,  
we have conducted an independent review of the record and find no  
arguable issues.

DISPOSITION

The judgment is affirmed.

NOT TO BE PUBLISHED IN OFFICIAL REPORTS

HOLLENHORST  
Acting P. J.

We concur:

McKINSTER  
J.

CODRINGTON  
J.